

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

JASON SCHEAR, EDUARD STANCIU, BAREKET
DRORI, STELLA KIM, DANA BEIERLE, MICHAEL
MARTINEZ and ODIN REDD, on behalf of
themselves and other similarly situated,

Plaintiffs,

v.

Case No. 12 CV 0594 (AT)(GWG)

FOOD SCOPE AMERICA, INC. d/b/a MEGU
TRIBECA, MASAHIRO ORIGUCHI, KOICHI
YOKOYAMA and SALVATORE PICARDI

Defendants.

**NOTICE OF UNOPPOSED MOTION FOR PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT AND APPROVAL OF PROPOSED NOTICES
OF SETTLEMENT**

For the reasons set forth in the Memorandum of Law in Support of Plaintiffs' Motion for Preliminary Approval of the Class Action Settlement ("Motion for Preliminary Approval") and the Declaration of Josef Nussbaum in Support of Plaintiffs' Motion for Preliminary Approval ("Nussbaum Declaration"), Plaintiffs respectfully request that the Court enter an Order:

- (1) Granting preliminary approval of the Settlement Agreement and Release ("Settlement Agreement"), attached as Exhibit A to the Nussbaum Declaration;
- (2) Approving the proposed Notice of Class Action Settlement ("Rule 23 Notice") attached as Exhibit B to the Nussbaum Declaration,
- (3) Approving the Parties' proposed schedule for final settlement approval; and
- (4) Granting such other, further, or different relief as the Court deems just and proper.

* * *

Plaintiffs have contemporaneously submitted a Proposed Order, attached as Exhibit C to the Nussbaum Declaration, for the Court's convenience.

Dated: October 7, 2014
New York, New York

Respectfully submitted,

JOSEPH & KIRSCHENBAUM LLP

/s/ Josef Nussbaum/

D. Maimon Kirschenbaum

Douglas Weiner

Josef Nussbaum

233 Broadway, 5th Floor

New York, NY 10279

(212) 688-5640

(212) 688-2548 (fax)

*Attorneys for Plaintiffs, FLSA Collective
Plaintiffs, and the NYLL Class*